UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1999/705
22 June 1999

ORIGINAL: ENGLISH

QUESTION OF EAST TIMOR

Report of the Secretary-General

1. The present report is submitted in pursuance of paragraph 14 of Security Council resolution 1246 (1999) of 11 June 1999, in which the Council requested me to keep it closely informed of the situation in East Timor and to continue to report to it every 14 days on the implementation of its resolutions and of the Tripartite Agreements and on the security situation in East Timor.

I. CURRENT STATUS AND DISPOSITION OF THE UNITED NATIONS MISSION IN EAST TIMOR

2. The operation of the United Nations Mission in East Timor (UNAMET) has progressed markedly since the Security Council last received a report on the matter (S/1999/595). The Chief Electoral Officer, Mr. Jeffrey Fischer, arrived in Dili on 15 June, to lead the core electoral team already in place. The first group of United Nations Volunteers (UNV) is currently undergoing training in Darwin, Australia, and will arrive in East Timor on 23 June. Full UNV deployment is expected by 8 July. The United Nations Volunteers, who will serve as field electoral officers, will arrive in Darwin in four groups of approximately 100 each and will subsequently be deployed to East Timor upon the completion of training. Deployment of this large and important UNAMET contingent has been slowed down by a number of factors, including the availability of Indonesian visas and the necessity of awaiting the implementation of resolution 1246 (1999) before completing the memorandum of understanding regarding UNVs.

3. A code of conduct for observers of the consultation process is being formulated for distribution to all accredited international observers, while discussions are ongoing between Indonesia and Portugal regarding the number of observers each country will send to officially observe the consultation. Electoral planning and preparations are proceeding actively. Reconnaissance of all 13 districts has been completed and the locations of the eight regional offices have been decided. Four are already open, and the rest will be operational by 24 June. Planning for the deployment of the 400 field electoral officers and the establishment of the 200 registration centres from which they

will work is well advanced. The relevant directives relating to the popular consultations have been drafted and will be promulgated by the Head of Mission.

4. As reported by the Under-Secretary-General for Political Affairs in his 10 June briefing to the Security Council, I have appointed Mr. Alan Mills as Civilian Police Commissioner. The Commissioner, together with an advance team of United Nations civilian police personnel, has been working with the local police since 12 June. The first group of 41 civilian police arrived in Dili on 21 June, after training in Darwin. Out of 274 police personnel required for UNAMET, 254 have already been identified by Member States and are in the process of recruitment. I remain confident that, with the help of Member States, all United Nations police personnel will be deployed by 10 July.

5. As reported in the 10 June briefing, a very welcome development has been the agreement by the Government of Indonesia to the deployment of 50 United Nations military liaison officers. The deployment of the military liaison officers will begin this week, with the dispatch of the advance team. I am writing separately to the Security Council regarding the appointment of the Chief Military Liaison Officer.

6. The public information component of UNAMET has launched the campaign to provide the East Timorese with the information necessary to make an informed choice on the ballot. The initial step in that campaign was the broadcast on local radio of my statement to the people of East Timor outlining the purpose and objectives of UNAMET, pointing to the impartiality of the Mission with respect to the outcome of the consultation, emphasizing the secrecy of the ballot and calling upon all East Timorese to show restraint and to refrain from violence. UNAMET has begun radio broadcasts of information on the popular consultation in English, Bahasa Indonesia, Portuguese and Tetun for three hours each day. Printed materials in the four languages, including translations of the 5 May Agreements, are being developed and will be distributed throughout the Territory. The Mission has benefited from the substantial cooperation of local print and radio outlets in disseminating information regarding the popular consultation across the Territory. Unfortunately, UNAMET has not thus far been able to conclude an agreement to use the broadcast facilities of the Indonesian State television company. Information on the popular consultation is also being made available to East Timorese worldwide through the United Nations Web site.

7. The staff of the Mission's political component has maintained regular, frequent contact with representatives of pro-independence and pro-autonomy groups and with the Indonesian authorities. Through those contacts, they are working to make the Commission on Peace and Stability fully operational and to obtain guarantees for the security of all members of the Commission. UNAMET also participated in a series of Commission meetings which took place in Jakarta last week and which enabled Mr. Xanana Gusmão, the imprisoned president of the National Council of Timorese Resistance (CNRT) and Commander of its armed wing, the Armed Forces for the National Liberation of East Timor (Falintil), to participate in the Commission for the first time. Considerable progress has been made towards the elaboration of a code of conduct on peace and security by which all parties should abide during and after the consultation process. The Indonesian Armed Forces (TNI) Falintil and the militia leadership have expressed their readiness, in principle, to concentrate their forces in designated areas

and to enable the police to exercise full responsibility for law and order. Important commitments were also made by pro-independence and pro-integration leaders to respect the consultation process, to lay down their arms and to achieve disarmament well in advance of the ballot. It is hoped that actual implementation of these steps will lead to a major improvement of the security situation in East Timor, such that a credible consultation process may be conducted. UNAMET will be expected to propose and participate in modalities for the laying down of arms and disarmament to take place, an issue with implications for UNAMET's mandate and resources. In order to fulfil such a responsibility, it will be critical for all those concerned to provide full information regarding the numbers and disposition of their forces. UNAMET has also supported the efforts by the bishops of Dili and Baucau to advance the Dare II reconciliation process between East Timorese leaders aimed at bringing about harmony within East Timorese society, regardless of the outcome of the ballot. A series of meetings is scheduled for this week and the next in Jakarta, with the participation of Mr. Gusmão, which, with the requisite good will and the support of all concerned, could produce important results.

8. UNAMET political officers have begun to actively monitor the fairness of the political environment across the Territory. Their reports indicate that pro-integration militia activities are continuing and have displaced large numbers of people, a development which could have serious implications for the universality of the ballot. Premature pro-autonomy campaigning, while the security and freedom of pro-independence groups to carry out their activities freely remains severely restricted, is perpetuating the uneven political plane which I have reported on previously.

9. As the Security Council will recall from my report of 22 May (S/1999/595) regarding the concept of the UNAMET operations, the challenges of bringing the Mission to full deployment and operational readiness have been numerous, particularly given the extremely tight consultation timetable. I would wish to note here that during the negotiations leading up to the 5 May Agreements, the United Nations had informed the parties that the 8 August ballot date would be extremely difficult to meet since such a timetable provided no room for the practical obstacles which almost inevitably arise in such undertakings, but that in view of the strong preference for holding the consultation by 8 August, the United Nations would make every effort to do so. Major strides have indeed been made in the deployment of staff and matériel commencing immediately after the signing of the Agreements on 5 May, and the pace has quickened since UNAMET received its formal mandate under Council resolution 1246 (1999) on 11 June, the adoption of which had to be awaited before formal understandings could be reached with Member States and agencies providing personnel to the Mission.

10. As I have noted previously, UNAMET has enjoyed outstanding support from contributing Member States. Excellent cooperation and flexibility have been forthcoming from many different levels of the Government of Indonesia. Owing to its proximity, the city of Darwin, capital of Australia's Northern Territory, has been made an essential staging point for the operation, and Australia has taken swift steps to accelerate the deployment through Darwin. UNAMET has come into being with unusual speed. Nevertheless, it is becoming apparent that full deployment will take until 10 July at the earliest.

11. One practical issue that could cause delays is that the Indonesian authorities have not yet authorized UNAMET to use airports other than those at Dili and Baucau for its fixed-wing aircraft. UNAMET requires complete freedom of movement for its aircraft in order to carry out its tasks in an efficient and timely manner.

II. SECURITY ISSUES

12. To meet the timetable outlined in the Agreement on modalities (A/53/951-S/1999/513, annex II), registration should begin no later than 22 June. The Security Council will recall that under the Agreement regarding security (ibid., annex III) I am called upon, prior to the start of registration, to ascertain whether, based on the objective evaluation of the United Nations Mission, the necessary security situation exists for the peaceful implementation of the consultation process. In paragraph 6 of my 5 May report on East Timor (A/53/951-S/1999/513), I noted the main elements that needed to be in place in order to enable me to make such a determination. These included the bringing of armed civilian groups under strict control and the prompt arrest and prosecution of those who incited or threatened to use violence, a ban on rallies by armed groups, the redeployment of Indonesian military forces, the immediate institution of a process of laying down of arms by all armed groups to be completed well in advance of the holding of the ballot and the freedom of association and expression of all political forces and tendencies. At that time I reported that high levels of tension and serious incidents of political violence existed in East Timor.

13. In subsequent oral reports provided to the Security Council on 10 and 16 June, some welcome positive developments were noted. The establishment of a high-level Indonesian Task Force, which reports to a ministerial-level team in Jakarta, has provided for excellent channels of communication and operational cooperation between UNAMET and the Indonesian authorities. With the deployment of UNAMET, security conditions in the cities of Dili and Baucau have visibly improved. The recent activities of the Commission on Peace and Stability are also encouraging, though much remains to be done to make the Commission an effective mechanism for addressing security issues on the ground. Similarly, the process of reconciliation between East Timorese leaders has moved forward, with pro-autonomy leaders having recently met with Xanana Gusmão and other pro-independence leaders in Jakarta and the Dare II process showing promising signs. However, as I made clear in my recent oral reports to the Council, the welcome atmosphere of the relative calm experienced in Dili and Baucau has not extended throughout the rest of the Territory. In particular, the situation in the western districts remains very serious.

14. In many areas, pro-integration militias, believed by many observers to be operating with the acquiescence of elements of the army, carry out acts of violence against the population and exercise an intimidating influence over it. The condition of the internally displaced is poor, and delivery of assistance to them has practically ceased over the last three months as local NGOs, church organizations and other humanitarian organizations have been subjected to threats by the pro-integration militia. In addition to the serious humanitarian and human rights concerns that such displacement raises, I should also note that

the registration process may be seriously hampered owing to the fact that current plans call for East Timorese to register and vote in the same location.

15. Militia activities continue to have a constricting effect on political freedom, silencing pro-independence activists and their supporters and forcing them into hiding, thus jeopardizing the necessary openness of the consultation process. It is a matter of concern that the militias, which have been involved in acts of violence against civilians, are being presented by some officials as civil defence forces. The reported appointment of the head of one militia to a position in a proposed civil defence force for Dili is a case in point.

16. UNAMET has also received complaints from pro-integration leaders of violent activity by Falintil and is seeking information about the incidents cited. Last week, UNAMET, following discussions with the police and Falintil, successfully conducted an operation to accept the handover by Falintil of two hostages, a police officer and a militia member. The International Committee of the Red Cross (ICRC) was also involved in the operation. An examination of the two men revealed that, though not seriously injured, they bore bruises from mistreatment while in captivity. I reiterate my call for all parties to refrain from recourse to violence, and remind all parties of the necessity for the utmost restraint to be exercised both before and after the consultation.

17. While the security situation has severely limited the opportunity for public expression by pro-independence activists, pro-autonomy campaigning has been actively pursued, in many cases, by local officials. There are strong indications that public funds have been used to this end. This is contrary to the provisions of the 5 May Agreements, which limit campaigning to the designated campaign period, prohibit the use of public funds for campaign purposes and restrict government officials of East Timor to campaigning only in their private capacity and without recourse to the pressure of office.

III. OBSERVATIONS

18. My Personal Representative for East Timor and my Special Representative for the East Timor Popular Consultation have met this week with Indonesian Government officials at the highest level, including President Habibie, to discuss UNAMET and the situation in East Timor. They are encouraged by the assurances received of the Indonesian Government's intention to ensure proper security conditions. The consultation process called for in the 5 May Agreements represents an historic opportunity to resolve the question of East Timor peacefully, and I am well aware of the incentives to reach a definitive answer to this question at the earliest possible date. However, in order for the consultation to serve as a foundation for lasting stability, the process itself must be transparent and all parties must have had the opportunity to express themselves freely, in order that they may have confidence in the result.

19. At the present time, I would be unable to certify that the necessary conditions exist to begin the operational phases of the consultation process, given the security situation throughout much of East Timor and the absence of a level playing field. I would also wish to allow UNAMET sufficient time to reach the strength necessary to begin registration successfully. It is necessary to

begin registration at the same time in all areas, in order to provide all East Timorese with an equal opportunity to register for the 20 days called for in the Agreements. It is therefore my intention that UNAMET not begin the operational phases until it is fully deployed, which would also give the Indonesian authorities time to address the pending security concerns.

20. Full deployment of all field electoral officers and the majority of other personnel to East Timor, even at the current expedited pace of deployment, would mean that registration could begin on 13 July, which represents a delay of three weeks from the originally planned starting date of 22 June. I hope that the security situation will have improved sufficiently by then to enable me to make a positive determination of the security conditions so that the operational phases of the consultation can begin. Thus, I wish to inform the Security Council that, in view of the concerns I have described above, I have decided to postpone my determination as called for under paragraph 3 of the Agreement regarding security (A/53/1991-S/1999/513, annex III) for a period of three weeks. This will in turn inevitably entail a delay of the ballot date. Through my Personal Representative, I have informed the parties to the Agreements of this and they have both concurred with a two-week postponement of the ballot date.